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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,824	07/27/2000	Seok-Hyo Park	678-517 (P8784)	9607
7590	04/13/2004		EXAMINER	
Paul J Farrell Esq Dilworth & Barrese 333 Earle Ovington Blvd Uniondale, NY 11553			TRINH, TAN H	
			ART UNIT	PAPER NUMBER
			2684	9

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/626,824	PARK, SEOK-HYO	
	Examiner	Art Unit	
	TAN TRINH	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 February 2004.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima (U.S. Patent No. 5,201,068) in view of Son (U.S. Patent No. 6,212,408).

Regarding to claim 1, Kawashima teaches a method for adjusting a volume level of communication voice in a cellular phone, comprising the steps of: registering a first voice command (“UP”) for commanding the cellular phone to raise the volume level; registering a second voice command (“DOWN”) for commanding the cellular phone to lower the volume level; and raising or lowering the volume level, respectively, in response to the first or the second voice command inputted to the cellular phone (see figs. 2 and 9, col. 1 lines 53-67, col. 2 lines 9-27, col. 6 lines 49-68 and col. 7 lines 1-9). But Kawashima fails to show the registering by the user.

However, Son teaches the registering voice command by the user (see col. 2, lines 15-64, col. 6, lines 43-55, and col. 10, lines 64-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Kawashima system and the providing of the teaching of Son with the voice registration and voice recognition technique there to in order to provide user with hand

free and the convenience to used the voice registration and voice recognition to input the voice command.

Regarding to claim 2, Kawashima teaches a method for adjusting a volume level of key tone in a cellular phone, comprising the steps of registering a first voice command for commanding the cellular phone to raise the key tone volume level; registering a second voice command for commanding the cellular phone to lower the key tone volume level; and raising or lowering the key tone volume level respectively in response to the first or the second voice command inputted to the cellular phone (see figs. 2, 6 A-D and 9, col. 1 lines 59-67, col. 6 lines 35-68 and col. 7 lines 1-9). But Kawashima fails to show the registering by the user.

However, Son teaches the registering voice command by the user (see col. 2, lines 15-64, col. 6, lines 43-55, and col. 10, lines 64-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Kawashima system and the providing of the teaching of Son with the voice registration and voice recognition technique there to in order to provide user with hand free and the convenience to used the voice registration and voice recognition to input the voice command.

Regarding to claim 3, Kawashima teaches a method for adjusting the volume level of communication voice in a cellular phone, comprising the steps of registering a first voice command for commanding the cellular phone to raise the volume level; registering a second voice command for commanding the cellular phone to lower the volume level; determining

whether the cellular phone is in an "on" state for receiving communication when the first or the second voice command is inputted to the cellular phone; and raising or lowering the volume level of the cellular phone, respectively, in response to the first or the second voice command if the cellular phone is in the "on" state. Since Kawashima teaches the control volume associated to the volume adjustment for up and down of the volume when it is communicating, that is obvious to the "ON" state of communication (see figs. 2 and 9, col. 1 lines 53-67, col. 2 lines 9-27, col. 6 lines 49-68 and col. 7 lines 1-9).

However, Son teaches the registering voice command by the user (see col. 2, lines 15-64, col. 6, lines 43-55), and the volume adjustment (see col. 10, lines 64-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Kawashima system and the providing of the teaching of Son with the voice registration and voice recognition technique there to in order to provide user with hand free and the convenience to used the voice registration and voice recognition to input the voice command to control the volume is easier.

Regarding to claim 4, Kawashima teaches a method for adjusting the volume level of communication voice and key tones in a cellular phone, comprising the steps of; registering a first voice command for commanding the cellular phone to raise the volume level; registering a second voice command for commanding the cellular phone to lower the volume level; determining whether the cellular phone is in an "on" state for receiving communication when the first or said second voice command is inputted to the cellular phone; raising or lowering the volume level respectively in response to the first or the second voice command if the cellular

phone is in the "on" state; (see figs. 2, 6 A-D and 9, col. 1 lines 59-67, col. 6 lines 35-68 and col. 7 lines 1-9). Since Kawashima teaches a volume key for controlling volume, detecting a first or the second signal for control the volume for the increasing or decreasing on the "ON" state, and it is also working in the same way with the "Off" state of the communication, when the detection circuit is detecting the command signal for control the volume (see Abstract lines 2-10). This is obvious to the cellular phone is in a key tone adjustment mode if the cellular phone is not in the "on" communication state when the first or the second voice command is inputted to the cellular phone; and raising or lowering the volume level of the key tones, and Son teaches the registering by the user for voice command is state as on claim 1 above.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Kawashima and Son systems with voice command associated volume control technique thereto in order to provide user to control the volume is easily when it is "OFF" communication state.

Regarding to claims 5 and 6, Kawashima teaches the step of registering by the user the first voice and second voice command further comprises the steps of inputting the first voice and second voice command through a microphone; and storing the first voice and second voice command in a memory device (see figs. 2 and 9, on voice recognition section 380, voice volume controller 350, ROM 334, col. 3 lines 31-49, and col. 6 lines 4 lines 36-40).

***Response to Arguments***

3. Applicant's arguments filed on 2-9-2004 have been fully considered but they are not persuasive.

Applicant's arguments, the Son reference is using voice commands are spoken into the phone and respective operations are carried out according to the voice commands received, and Son does the user register what these voice command will be?

***Response to Arguments:***

Since Son teaches the user register with the voice command mode during a normal phone call to adjust the hand set volume (see Son col. 10, lines 63-65). Also the reference of Kawashima teaches a radio telephone can change the volume by a voice command (see Kawashima col. 1, lines 54-55) and the volume is increased and decreases in accordance with a voice command associated with volume control (see Kawashima col. 2, lines 23-27). Moreover, Kawashima teaches the when the volume is to be increased in the voice command volume mode “UP” is uttered, the voice recognition detects this utterance and acknowledges that the volume is to be increased. The volume increased by one preset level per utterance “UP”, and when the volume is to be decreased, “DOWN” is uttered on the voice command (see Kawashima col. 6, line 63-col. 7, line 10). Therefore, the combination of the reference is teaching, the voice command will be commanding and adjusting the voice volume of the cellular phone.

***Conclusion***

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

**(703) 872-9314, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh  
Art Unit 2684  
April 9, 2004



**NICK CORSARO  
PATENT EXAMINER**